

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

PETER TRAVOSTINO,	)	Case No.: 5:21-CV-01152
	)	
Plaintiff,	)	JUDGE SARA LIOI
	)	
v.	)	<b>CONSENT FINAL JUDGMENT</b>
	)	<b>ENTRY</b>
1ST SECURITY SERVICES OF	)	
OHIO CORP.,	)	
	)	
Defendant.	)	

NOW come Plaintiff Peter Travostino and Defendant 1<sup>st</sup> Security Services of Ohio Corp., (Plaintiff and Defendant collectively referred to as the “Parties”), by and through their respective counsel, and pursuant to an accepted Offer of Judgment pursuant to Fed. Civ. P. Rule 68, hereby stipulate and consent to a Final Judgment Entry in the above-captioned matter as to Plaintiff’s Complaint, as follows:

1. Defendant voluntarily and knowingly consents to judgment in favor of Plaintiff against Defendant in the total amount of \$10,000.00.
2. Defendant will pay Plaintiff \$5,227.76 as unliquidated damages in satisfaction of Plaintiff’s claims for failure to pay Plaintiff for all hours worked and 150% of his regular rate for all hours worked in excess of 40 in a workweek during the entire of his employment period with Defendant including but not limited to his period of employment from October 4, 2019, through November 18, 2020. Said payment is made to satisfy claims made under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201 et al. and the Ohio Wage Act, O.R.C. §§ 4111.03, 4111.08, and 4111.10. The \$5,227.76 will be considered a gross payroll check for which Defendant will withhold payroll taxes as it did while Plaintiff was in its employ. Plaintiff will receive \$5,227.76 net payroll withholding. Defendant will issue Plaintiff an IRS Form W-2 for this amount for the 2021 tax year.

3. The Defendant will pay Plaintiff \$1,458.58 as a twenty-eight percent (28%) liquidated damage pursuant to 29 U.S.C. § 216(b). This payment will be made as a lump sum and Plaintiff will receive IRS Form 1099 for this amount for the 2021 tax year.

4. The Defendant will pay Plaintiff \$313.67 as a liquidated damage pursuant to the Ohio Prompt Pay Act (“OPPA”) O.R.C. § 4113.15. This payment will be made as a lump sum and Plaintiff will receive IRS Form 1099 for this amount for the 2021 tax year.

5. The Defendant will pay Plaintiff's attorney fees and expenses of \$3,000.00 to the law firm of Barkan Meizlish DeRose, LLP pursuant to 29 U.S.C. § 216(b). This payment will be made as a lump sum and Barkan Meizlish DeRose, LLP will receive IRS Form 1099 for this amount for the 2021 tax year.

6. Defendants shall have fourteen (14) business days following the Court adoption of this Consent Final Judgment to issue the payments described above.

7. In the event Defendants fail to timely make the Payments as set forth herein, Plaintiff, after providing written notice to Defendant at 7100 E. Pleasant Valley, Suite 110, Independence, OH 44131, shall be entitled to execute upon this Final Judgment Entry in the full amount stated in Paragraph 1 above, less any payments made pursuant to Paragraphs 2-5.

8. Plaintiff assumes any and all liability for taxes due or penalties assessed relating to the above itemized payments excepting the amounts withheld by Defendants pursuant to its usual and customary accounting practices.

**SO ORDERED**

  
\_\_\_\_\_  
SARA LIOI  
United States District Judge

**AGREED**

*/s/Robert E. DeRose*

Robert E. DeRose (0055214)

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